

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 AID-05 CEA-01 CIAE-00 COME-00

EB-07 EA-06 FRB-03 INR-07 NEA-09 NSAE-00 OPIC-03

SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01 L-02 STR-04

DOTE-00 FAA-00 CAB-02 DODE-00 FMC-01 CG-00 DLOS-03

OFA-01 /086 W

----- 107943

R 211834Z APR 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 6671

INFO AMCONSUL MONTREAL

USMISSION GENEVA

USMISSION USUN

USMISSION EC BRUSSELS

LIMITED OFFICIAL USE SECTION 01 OF 02 OECD PARIS 10133

PASS MONTREAL FOR U.S. REP ICAO, PASS TO WILLIS

E.O.11652: N/A

TAGS: EFIN, OECD

SUBJ: SECOND EXCOM MEETING ON UN LINER CODE OF CONDUCT, APR 24

REFS: (A) STATE 86470

(B) USOECD 9244

1. BEGIN SUMMARY. OECD LEGAL ADVISER INFORMS US THAT UNCTAD AND UN LEGAL OFFICES DO NOT, REPEAT NOT, WANT TO GET INVOLVED IN CLARIFICATION OF UN LINER CODE. SECRETARIAT HAS CIRCULATED DRAFT MANDATE FOR AD HOC LEGAL GROUP WITHIN OECD (TRANSMITTED PARA 5 BELOW). ACTION REQUESTED: COMMENTS ON POINTS RAISED PARA 4 BELOW AND ANY FURTHER INSTRUCTIONS FOR EXCOM MEETING APRIL 24.

END SUMMARY.

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2. MISSION HAS DISCUSSED PROSPECTS FOR REFERRING UN LINER CODE ISSUE TO AN APPROPRIATE BODY OF UNITED NATIONS FOR CLARIFICATION AND HAS BEEN INFORMED BY OECD LEGAL OFFICE (DICK SCOTT) THAT BOTH UNCTAD LEGAL ADVISER'S OFFICE AND UN LEGAL COUNCIL HAVE INDICATED STRONG RESERVATIONS TO BEING INVOLVED IN THIS QUESTION. SCOTT SAID THAT BOTH UNCTAD AND UN LEGAL OFFICES WERE VERY RELUCTANT TO GIVE AN OPINION ON AN ISSUE WHICH PROMISED TO BE CONTENTIOUS BETWEEN MEMBER STATES OF UN. SCOTT THINKS THAT REFERENCE TO UN IS "A DEAD HORSE," AND HE WOULD PREFER NOT TO REPORT TO EXCOM ON RESULTS OF HIS INQUIRIES, LETTING MATTER QUIETLY DROP FROM SIGHT.

3. SCOTT ADDED, HOWEVER, THAT INDIVIDUAL COUNTRIES COULD RAISE QUESTION OF CLARIFICATION IN APPROPRIATE PLENARY COMMITTEES OF UN, BUT HE DID NOT KNOW MECHANICS OF SUCH PROCEDURE AND COULD NOT ESTIMATE THEIR CHANCES OF SUCCESS. HE ORIGINALLY HAD ANTICIPATED THAT QUESTIONS TO UN MIGHT BE FORMULATED BY PROPOSED AD HOC WORKING GROUP IF SUCH GROUP WERE TO BE ESTABLISHED WITHIN OECD. HE NOTED THAT ANY LEGAL OPINION OBTAINED FROM UN WOULD NOT BE AUTHORITATIVE OR BINDING, BUT STRICTLY INFORMATIONAL. IF COUNTRIES WANTED AN AUTHORITATIVE OPINION, THEY WOULD HAVE TO ASK WORLD COURT FOR ITS ADVICE, BUT THIS WOULD HAVE TO BE INITIATED VIA UNCTAD OR UN GENERAL ASSEMBLY.

4. MISSION WOULD APPRECIATE FURTHER SPECIFICS FROM DEPARTMENT AND/OR USUN ON MECHANICS OF REFERENCE BY OECD (OR BY INDIVIDUAL MEMBER COUNTRIES) TO AN APPROPRIATE UN COMMITTEE. WE UNDERSTAND IT MIGHT BE POSSIBLE FOR SUCH UN COMMITTEE TO REQUEST AN OPINION FROM UN LEGAL COUNCIL. IN VIEW OF OECD LEGAL ADVISER'S INQUIRIES TO UNCTAD AND UN LEGAL OFFICES AND THEIR NEGATIVE REACTION, WE WILL NEED FURTHER SUGGESTIONS PRIOR TO EXCOM MEETING IF WE ARE TO HAVE ANY SUCCESS IN REFERRING THIS ISSUE TO UNITED NATIONS. IN EVENT THAT PRACTICAL FORMAT FOR REFERENCE TO UN CANNOT BE SUGGESTED, WE WILL - UNLESS OTHERWISE INSTRUCTED - GIVE OUR SUPPORT TO U.K. PROPOSAL IN ORDER TO AVOID DIFFERENCES OF LIMITED OFFICIAL USE

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OPINION BETWEEN LIKE-MINDED COUNTRIES. WE WILL ALSO NOT PRESS OECD LEGAL ADVISER FOR REPORT ON RESULTS OF HIS INQUIRIES UNLESS OTHER COUNTRIES RAISE IT.

5. PROPOSED MANDATE FOR AD HOC WORKING PARTY PREPARED BY OECD LEGAL OFFICE FOR CONSIDERATION AT EXCOM ON APRIL 24 IS AS FOLLOWS:

BEGIN TEXT

THE EXECUTIVE COMMITTEE,

HAVING REGARD TO THE RESOLUTION OF THE COUNCIL OF  
27TH JUNE, 1974 CONCERNING THE PROPOSED UNITED NATIONS  
CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES  
AND MEMBER COUNTRIES' COMMITMENTS IN THE FIELD OF MARI-  
TIME TRANSPORT UNDER THE CODE OF LIBERALISATION OF  
CURRENT INVISIBLE OPERATIONS (C/M(74)17(FINAL))

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R 211834Z APR 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 6672

INFO AMCONSUL MONTREAL

USMISSION GENEVA

USMISSION USUN

USMISSION EC BRUSSELS

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ITEM 175(A) TO (F));

HAVING REGARD TO THE REPORT BY THE COMMITTEE FOR

INVISIBLE TRANSACTIONS OF 3RD DECEMBER, 1974 CONCERNING  
THE COMPATIBILITY OF THE UNITED NATIONS CONVENTION ON A  
CODE OF CONDUCT FOR LINER CONFERENCES AND THE OECD CODE  
OF LIBERALISATION OF CURRENT INVISIBLE OPERATIONS  
(C(74)235);

HAVING REGARD TO THE COMMENTS BY THE PAYMENTS  
COMMITTEE OF 3RD APRIL, 1975 ON THAT REPORT (C(75)1);

HAVING REGARD TO THE RULES OF PROCEDURE OF THE  
ORGANISATION AND, IN PARTICULAR, TO RULES 21(B) AND  
25(A) THEREOF;  
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NOTING THAT THE COMMITTEE FOR INVISIBLE TRANSACTIONS  
AND THE PAYMENTS COMMITTEE HAVE FOUND A DIVISION OF  
VIEWS ON THE QUESTION OF COMPATIBILITY OF THE PROPOSED  
UNITED NATIONS CONVENTION ON A CODE OF CONDUCT FOR  
LINER CONFERENCES AND THE OECD CODE OF LIBERALISATION  
OF CURRENT INVISIBLE OPERATIONS;

DECIDES:

1. AN AD HOC WORKING PARTY IS HEREBY ESTABLISHED TO  
CONSIDER THE LEGAL COMPATIBILITY OF THE PROPOSED UNITED  
NATIONS CONVENTION ON A CODE OF CONDUCT FOR LINER CON-  
FERENCES AND THE OECD CODE OF LIBERALISATION OF CURRENT  
INVISIBLE OPERATIONS.
2. THE WORKING PARTY WILL BE OPEN TO ALL INTERESTED  
MEMBER COUNTRIES, WHICH SHOULD BE REPRESENTED BY LEGAL  
ADVISERS FROM CAPITALS.
3. THE WORKING PARTY SHALL ELECT ITS OWN CHAIRMAN.
4. THE WORKING PARTY SHALL SUBMIT ITS REPORT IN TIME  
FOR CONSIDERATION BY THE EXECUTIVE COMMITTEE NO LATER  
THAN 15 JUNE 75.

END TEXT  
TURNER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, MARINE TRANSPORTATION, CARGO, STANDARDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975OECDP10133  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**From:** OECD PARIS  
**Handling Restrictions:** n/a  
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**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 86470  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17 APR 2003 by BoyleJA>; APPROVED <21 MAY 2003 by MorefiRH>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SECOND EXCOM MEETING ON UN LINER CODE OF CONDUCT, APR 24  
**TAGS:** EFIN, OECD, EXCOM  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006